IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 61 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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MANSAKIMI MANUFACTURING DIVISION

Versus

GUJARAT MACHINERY MANUFACTURERS LIMITED

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Appearance:

MR MB GANDHI for Petitioner Nos. 1-2

RULE UNSERVED for Respondent No. 1

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CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 05/03/2004

ORAL JUDGEMENT

The petitioners are the original defendants of Civil Suit No.7077 of 1986, which is pending before the City Civil Court at Ahmedabad. In the aforesaid suit, the present respondent-original plaintiff submitted an

application Exhibit 10 for amendment of the plaint for enhancing the suit claim. The learned trial Judge, by the impugned order, granted such amendment. Against the said order, this revision application is preferred by the present petitioners.

Mr.Gandhi, learned Advocate for the petitioners, has pointed out to this Court that the revision application is filed against an interlocutory order passed in the suit. He submitted that in view of the amendment of Section 115 of the Code of Civil Procedure, this revision is not maintainable and he seeks permission to withdraw this Civil Revision Application in order to prefer a petition under Article 227 of the Constitution of India for challenging the impugned order. Permission is granted. Petition is accordingly disposed of as withdrawn. Rule is discharged. Interim relief granted earlier is ordered to be extended till 25th March, 2004. No costs.

5th March, 2004 ( P.B. Majmudar, J. )

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(apj)